

### **REMARKS**

At the outset, the courtesies extended by the Examiner and her Supervisor in granting the 11 January 2006 interview are appreciatively noted. At the interview, the references cited by the Examiner in the 18 October 2005 Office Action were discussed in light of the clarifying amendments proposed to the Claims by the undersigned Attorney, as set forth herein.

Responsive to the 18 October 2005 Office Action and the discussions had at the interview, Claims 1, 8, and 13 are now amended for further prosecution with the other pending Claims. It is believed that with such amendment of Claims, there is a further clarification of their recitations.

In the Office Action, the Examiner rejected Claims 1-5, 7-10, 12-14, and 16 under 35 U.S.C. § 103(a) as being unpatentable over the Park reference in view of the Durdola and Goldsmith references. In this regard, the Examiner acknowledged that the Park device fails to disclose first and second ribbons coupled to opposite ends of the inverted U-shaped opening, or a body comprising certain of the features as claimed. The Examiner, however, cited Durdola and Goldsmith for respectively disclosing these features and concluded that it would have been obvious to one of ordinary skill in the art to have accordingly modified Park's device.

Also in the Office Action, the Examiner rejected Claims 6, 11, and 15 under 35 U.S.C. § 103(a) as being unpatentable over Park in view of Durdola and

Goldsmith, further in view of the Woehl reference. In this regard, the Examiner cited Woehl for disclosing a body formed of a unilaterally stretchable fabric, and again concluded that it would have been obvious to one of ordinary skill in the art to have further modified Park's device accordingly.

As newly-amended independent Claims 1, 8, and 13 each now more clearly recite, Applicant's cap is one which includes among its combination of features a "sweatband" disposed with a body having "an inverted U-shaped opening," and in addition first and second "ribbon[s]" coupled to the body about the inverted U-shaped opening. These first and second ribbons are disposed to extend apart from the sweatband and "terminat[e]" at respective "free end[s]," as each of the independent Claims 1, 8, and 13 also now more clearly recites. These first and second ribbons are then available, for instance, to further secure the hair of the wearer emerging from the access passage defined in the cap by the inverted U-shaped opening and the sweatband.

The full combination of these and other features now more clearly recited by Applicant's pending Claims is nowhere disclosed by the cited references. As the Examiner readily acknowledged, the primarily-cited Park reference nowhere discloses any first and second ribbons, disclosing merely an adjustment strap which extends from and completes the loop formed by the sweatband 3. While Durdola's hat design does disclose what appears to be ribbon-tied straps at its rear, such straps serve merely as extensions of the hat's looping sweatband portion.

Nowhere does this design reference even suggest the provision of any first and second ribbons apart from such sweatband portion.


The secondarily-cited Goldsmith and Woehl references were relied upon for other features having nothing to do with either the sweatband or any first and second ribbons, per se. Indeed, neither Goldsmith nor Woehl anywhere discloses any ribbons, let alone any ribbons coupled to the body at “opposite ends of the inverted U-shaped opening” to “terminat[e]” at respective “free end[s],” as newly-amended independent Claims 1, 8, and 13 now clarify. While Woehl does disclose releasably fastened bands or straps 27, 29 these bands/straps serve as mere extensions of the disclosed cap’s sweatband portion, fastening together as they do to complete its looped configuration.

It is respectfully submitted, therefore, that the cited Park, Durdola, Goldsmith, and Woehl references, even when considered together, fail to disclose the unique combination of elements now more clearly recited by Applicant’s pending Claims for the purposes and objectives disclosed in the subject Patent Application. The other references cited by the Examiner but not used in the rejection are believed to be further remote from Applicant’s claimed cap structure when patentability considerations are taken properly into account.

MR653-1425  
Serial Number: 10/723,550  
Reply to Final Office Action dated 18 October 2005

It is now believed that the subject Patent Application has been placed fully  
in condition for allowance, and such action is respectfully requested.

Respectfully submitted,  
For: ROSENBERG, KLEIN & LEE

A handwritten signature in black ink, appearing to be 'Jun Y. Lee', with a long horizontal flourish extending to the right.

Jun Y. Lee  
Registration #40,262

Dated: 1/13/2006

Suite 101  
3458 Ellicott Center Drive  
Ellicott City, MD 21043  
(410) 465-6678  
Customer No. 04586